

(2) Fire, breakage, spillage, or suspected radioactive contamination occurs involving shipment of radioactive material (see also §§ 174.45, 176.48, and 177.807 of this subchapter); or

(3) Fire, breakage, spillage, or suspected contamination occurs involving shipment of infectious substances (etiologic agents); or

(4) There has been a release of a marine pollutant in a quantity exceeding 450 L (119 gallons) for liquids or 400 kg (882 pounds) for solids; or

(5) A situation exists of such a nature (e.g., a continuing danger to life exists at the scene of the incident) that, in the judgment of the carrier, it should be reported to the Department even though it does not meet the criteria of paragraph (a) (1), (2) or (3) of this section.

(b) Except for transportation by aircraft, each notice required by paragraph (a) of this section shall be given to the Department by telephone (toll-free) on 800-424-8802. Notice involving shipments transported by aircraft must be given to the nearest FAA Civil Aviation Security Office by telephone at the earliest practical moment after each incident in place of the notice to the Department. Notice involving etiologic agents may be given to the Director, Centers for Disease Control, U.S. Public Health Service, Atlanta, Ga. (800) 232-0124, in place of the notice to the Department or (toll call) on 202-267-2675. Each notice must include the following information:

(1) Name of reporter.

(2) Name and address of carrier represented by reporter.

(3) Phone number where reporter can be contacted.

(4) Date, time, and location of incident.

(5) The extent of injuries, if any.

(6) Classification, name, and quantity of hazardous materials involved, if such information is available.

(7) Type of incident and nature of hazardous material involvement and whether a continuing danger to life exists at the scene.

(c) Each carrier making a report under this section shall also make the report required by § 171.16.

NOTE: Under 40 CFR 302.6 EPA requires persons in charge of facilities (including trans-

port vehicles, vessels and aircraft) to report any release of a hazardous substance in a quantity equal to or greater than its reportable quantity, as soon as that person has knowledge of the release, to the U.S. Coast Guard National Response Center at (toll free) 800-424-8802 or (toll) 202-267-2675.

[Amdt. 171-7, 35 FR 16837, Oct. 3, 1970]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 171.15, see the List of CFR Sections Affected appearing in the Finding Aids section of this volume.

#### **§ 171.16 Detailed hazardous materials incident reports.**

(a) Each carrier who transports hazardous materials shall report in writing, in duplicate, on DOT Form F 5800.1 (Rev. 6/89) to the Department within 30 days of the date of discovery, each incident that occurs during the course of transportation (including loading, unloading, and temporary storage) in which any of the circumstances set forth in § 171.15(a) occurs or there has been an unintentional release of hazardous materials from a package (including a tank) or any quantity of hazardous waste has been discharged during transportation. If a report pertains to a hazardous waste discharge:

(1) A copy of the hazardous waste manifest for the waste must be attached to the report; and

(2) An estimate of the quantity of the waste removed from the scene, the name and address of the facility to which it was taken, and the manner of disposition of any removed waste must be entered in Section IX of the report form (Form F 5800.1) (Rev. 6/89).

(b) Each carrier making a report under this section shall send the report to the Information Systems Manager, DHM-63, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590-0001; and, for incidents involving transportation by aircraft, a copy of the report shall also be sent to the FAA Civil Aviation Security Office nearest the location of the incident. A copy of the report shall be retained for a period of two years, at the carrier's principal place of business, or at other places as authorized and approved in writing by an agency of the Department of Transportation.

(c) Except as provided in paragraph (d) of this section, the requirements of paragraph (a) of this section do not apply to incidents involving the unintentional release of a hazardous material—

(1) Transported under one of the following proper shipping names:

- (i) Consumer commodity.
- (ii) Battery, *electric storage*, wet, filled with acid *or* alkali.
- (iii) Paint and paint related material when shipped in a packaging of five gallons or less.

(2) Prepared and transported as a limited quantity shipment in accordance with this subchapter.

(d) The exceptions to incident reporting provided in paragraph (c) of this section do not apply to:

- (1) Incidents required to be reported under § 171.15(a);
- (2) Incidents involving transportation aboard aircraft;
- (3) Except for consumer commodities, materials in Packing Group I; or
- (4) Incidents involving the transportation of hazardous waste.

NOTE: A guideline document for assisting in the completion of DOT Form F 5800.1 (Rev. 6/89) may be obtained from the Office of Hazardous Materials Transportation, DHM-51, U.S. Department of Transportation, Washington, DC 20590-0001.

[Amdt. 171-7, 35 FR 16837, Oct. 3, 1970, as amended by Amdt. 171-56, 45 FR 73683, Nov. 6, 1980; Amdt. No. 171-65, 47 FR 24584, June 7, 1982; Amdt. 171-72, 48 FR 17095, Apr. 21, 1983; Amdt. 171-101, 54 FR 25813, June 19, 1989; Amdt. 171-109, 55 FR 39978, Oct. 1, 1990; Amdt. 171-140, 61 FR 18932, Apr. 29, 1996; Amdt. 171-145, 61 FR 27172, May 30, 1996]

#### § 171.17 [Reserved]

#### § 171.18 Continuation of effectiveness of existing Bureau of Explosives registrations.

A registration filed with the Bureau of Explosives in compliance with a requirement of the subchapter, which is valid at the time that registration function is assumed by RSPA remains valid to the same extent as if it had been filed originally with RSPA.

[Amdt. 171-50, 44 FR 55577, Sept. 27, 1979]

#### § 171.19 Approvals or authorizations issued by the Bureau of Explosives.

Unless otherwise specifically restricted by other requirements of this subchapter, any written approval or authorization issued by the Bureau of Explosives that is valid at the time the Bureau of Explosives authority to issue that approval or authorization is withdrawn or assumed by the Associate Administrator for Hazardous Materials Safety and which is available for inspection by representatives of the Department of Transportation, will be considered as having the same validity as if issued by the Associate Administrator for Hazardous Materials Safety, and remains valid under the conditions and for the period established by the Bureau of Explosives.

[Amdt. 171-70, 48 FR 2655, Jan. 20, 1983, as amended by Amdt. 171-111, 56 FR 66162, Dec. 20, 1991]

#### § 171.20 Submission of Examination Reports.

(a) When it is required in this subchapter that the issuance of an approval by the Associate Administrator for Hazardous Materials Safety be based on an examination by the Bureau of Explosives (or any other test facility recognized by RSPA), it is the responsibility of the applicant to submit the results of the examination to the Associate Administrator for Hazardous Materials Safety.

(b) Applications for approval submitted under paragraph (a) of this section, must be submitted to the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Washington, DC 20590-0001.

(c) Any applicant for an approval aggrieved by an action taken by the Associate Administrator for Hazardous Materials Safety, under this subpart may file an appeal with the Administrator, RSPA within 30 days of service of notification of a denial.

[Amdt. 171-54, 45 FR 32692, May 19, 1980, as amended by Amdt. 171-66, 47 FR 43064, Sept. 30, 1982; Amdt. 171-109, 55 FR 39978, Oct. 1, 1990; Amdt. 171-111, 56 FR 66162, Dec. 20, 1991]